

SUPPORT FOR THE AMENDMENT

Applicants amendment of September 24, 2007 has not been entered. The current amendment merely cancels claim 8. No new issues would be raised by entry of applicants' amendment as applicants are merely canceling a claim in order to reduce the issues on appeal. Entry of applicants' amendment and full consideration thereof at this stage of prosecution is respectfully requested.

Upon entry of this amendment, claims 1-7 and 9-10 will now be active in this application.

REQUEST FOR RECONSIDERATION

The claimed invention is directed to a process for preparing oligomers of linear C₄ hydrocarbons comprising separating a C₄ starting stream into streams of mainly linear C₄ hydrocarbons and mainly branched C₄ hydrocarbons followed by oligomerization of the linear C₄ hydrocarbons and separate processing of the branched C₄ hydrocarbons.

n-butene oligomers may be used in the preparation of alcohols which are used in the preparation of plasticizers or surfactant alcohols. The presence of branched alcohols in the oligomerization hydrocarbon stream can reduce the properties of the desired plasticizer. Accordingly, methods for processing n-butene oligomers are still sought.

The claimed invention addresses the problem by providing a process for preparing oligomers of linear C₄ hydrocarbons comprising separating a C₄ starting stream into linear and branched C₄ hydrocarbon fractions followed by oligomerizing the linear C₄ hydrocarbons and separately processing the branched C₄ hydrocarbons. Applicants have discovered that such a process of membrane separation provides for an efficient process for the preparation of linear C₄ hydrocarbon oligomers. Such a process is nowhere disclosed or suggested in the cited prior art.

The rejection of claims 1-10 under 35 U.S.C. § 103(a) over Pierotti et al. U.S. 6,440,885 as evident in Harmer et al. U.S. 2004/0072672 in view of Rath U.S. 5,910,550 is respectfully traversed.

None of the cited references disclose or suggest the claimed process in which linear and branched C₄ hydrocarbon streams are **separated** wherein the **linear C₄** hydrocarbon stream is **oligomerized** and the **branched C₄** hydrocarbon stream is **separately processed**.

Pierotti et al. describes a zeolite membrane which is described as useful for separation processes as well as to effect chemical reactions (column 6, lines 64-65 and column 7, lines 66-67). The two tables appearing at columns 7 and 8 identify molecular species separated, feedstocks/processes which can be reacted as well as some possible product yields. In both tables, mixed butenes are identified as feedstocks while n-butenes are identified as either a separated molecular species or a reaction product yielded. There is no disclosure of a step of oligomerizing a linear C₄ hydrocarbon fraction.

The examiner cites to Harmer et al. example 58, asserting that it discloses oligomerization of butenes with an aluminosilicate which “fundamentally is substantially identical to the composition of zeolite or molecular sieve materials of Pierotti et al.”

The Isomerization Catalyst of Harmer et al. is Fundamentally Different From the Materials of Pierotti et al.

Harmer et al. in example 58 conducts a solid acid catalyzed 1-butene isomerization to cis-2-butene, trans-2-butene and isobutene. While up to 3 wt. % of oligomer is reported, it is not identified as either a linear butene oligomer or a branched butene oligomer. Moreover the oligomer is viewed as an undesirable by product which could be converted to a useful isobutene by cracking (paragraph [0077]).

Applicants respectfully submit that the NAFION® PFIEP/silica microcomposite is not fundamentally substantially identical to the zeolite or molecular sieve materials of Pierotti

et al. but rather acts as an acid catalyst in the isomerization of 1-butene to 2-butenes and isobutenes. Most notably NAFION®, is an **acidic** perfluorinated ion exchange polymer which contains pendant sulfonic acid groups (paragraph [0069] of Harmer et al.) This material is a preferred **catalyst** for olefin isomerization (paragraph [0061]). Thus, example 57, the example for which oligomerization is asserted, uses a composition which contains NAFION®, an acidic catalyst used to isomerize olefins.

There is no NAFION® disclosed in the zeolite membranes of Pierottie et al. Accordingly the examiner's allegation that the materials of Pierotti et al. and Harmer et al. are substantially identical lacks any credible assertion. Oligomerization is not inherent to the process of Pierotti et al. since an acidic isomerization catalyst is not used. The presence of NAFION® as the Harmer et al. isomerization catalyst precludes any credible assertion of substantial identity with the separating material of Pierotti et al.

In contrast, the claimed invention is directed to a process in which a linear C₄ fraction is oligomerized. As the cited reference fails to disclose or suggest a step of oligomerization of a linear C₄ hydrocarbon fraction, the claimed invention is not obvious from this reference.

No Suggestion of Separate Separation and Oligomerization Steps

The examiner's argument appears to be based on the view that oligomerization could be inherent to the separation process of Pierotti et al., as evidenced by Harmer et al. and therefore the claimed process would be obvious.

Notwithstanding the distinctions described above, even if the membrane of Pierottie et al. were to **concurrently** separate and oligomerize 1-butenes, the claimed invention would still not be obvious as the claims recite the preparation of a separate 1-C₄ hydrocarbon fraction and a separate 2-C₄ hydrocarbon fraction, which are then **separately processed** in step b (oligomerization) and step c. The examiner's theory of inherent oligomerization

occurring during the separation process would not provide for a separate l-C₄ hydrocarbon fraction and a separate b-C₄ hydrocarbon fraction. At best the combined teachings of Pierotti et al. and Harmer et al. would describe a process in which a butene stream is reacted to produced a butene oligomer and a second butene stream. Separate l-C₄ hydrocarbon and b-C₄ hydrocarbon fractions are not described.

In contrast, the claimed invention is directed to a process in which a C₄ starting stream is separated into a separate l-C₄ hydrocarbon fraction and a separate b-C₄ hydrocarbon fraction, each of which is separately processes. As the combined disclosures of the references fails to describe the formation of a separate l-C₄ hydrocarbon fraction and a separate b-C₄ hydrocarbon fraction wherein the l-C₄ hydrocarbon fraction is oligomerized, the claimed invention is not obvious and withdrawal of the rejection under 35 U.S.C. 103(a) is respectfully requested.

Harmer et al. Fails to Describe Oligomerization of Linear C₄ Hydrocarbons

In spite of the deficiencies of Harmer et al. noted above that the Pierotti et al. membrane fails to inherently oligomerize butanes in general, Harmer et al. fails to suggest oligomerization of linear hydrocarbons. To the contrary, Harmer et al., would at best suggest formation of a by-product comprising **isobutene** oligomers, **not linear C₄ oligomers**, as the reference suggests that **isobutene** could be formed from cracking of butene oligomers (paragraph[0077]). The formation of a branched hydrocarbon by cracking would suggest that the oligomer was of branched hydrocarbons. There is no suggestion provided by this reference for the oligomerization of linear hydrocarbons.

Rath Fails to Suggest Oligomerization of Linear C₄ Hydrocarbons

Rath has merely been cited for a process of reacting isobutene.

Rath fails to disclose or suggest oligomerization of a linear C₄ hydrocarbon fraction. To the contrary Rath describes formation of branched hydrocarbon oligomers by forming polyisobutene. Polyisobutene is an oligomer of **branched** C₄ hydrocarbons and therefore does not suggest formation of linear C₄ hydrocarbon oligomers. This reference fails to suggest the claim limitation of oligomerization of linear C₄ hydrocarbons.

In contrast, the claimed invention is directed to a process for preparing oligomers of linear hydrocarbons by separating a butene stream into linear C₄ hydrocarbons and branched C₄ hydrocarbons and separately oligomerizing the linear C₄ hydrocarbons and reacting the branched hydrocarbons. As the cited references fail to disclose or suggest oligomerizing a linear hydrocarbon fraction and separately reacting a branched hydrocarbon fraction the claimed invention is clearly not rendered obvious from the references and accordingly withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested.

The rejection of claims 1-10 under 35 U.S.C. § 112, second paragraph is respectfully traversed.

Applicants respectfully submit that the term “converted mainly to octenes and dodecenes” is sufficiently clear to those of ordinary skill in the art such that the metes and bounds of the claimed invention are clear.

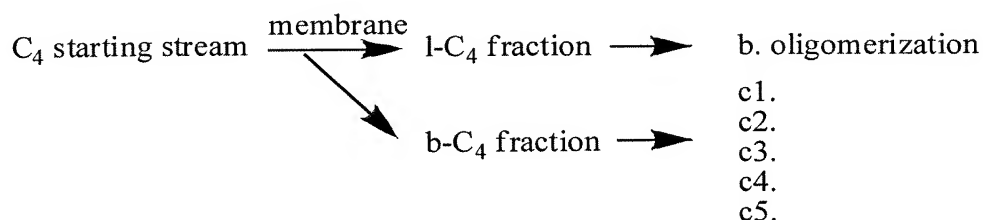
More specifically, step b) of claim 1 recites “oligomerizing the olefinic hydrocarbon compounds having 4 carbon atoms present in the 1-C₄ fraction.” Claim 7, dependent on claim 1, recites that “in step b, the 1-C₄ fraction is converted mainly to octenes and dodecenes over a nickel catalyst.” Thus, claim 7 refers to the oligomerizing step of claim 1, such that 1-C₄ fraction is converted to mainly octenes and dodecenes. Those of ordinary skill in the art would immediately appreciate that, technically, oligomerization of a 1-C₄ fraction could produce C₈ (octenes), C₁₂ (dodecenes), C₁₆, (hexadecane), C₂₀ (eicosene) etc. oligomers as these are the dimer, trimer, tetramer and hexamer of a 1-C₄ fraction (butane). Therefore the

metes and bounds of the recitation of octenes and dodecenes in claim 7 is clear to those of ordinary skill in the art. Claim 7 is not indefinite.

Further, there is sufficient antecedent basis for the recitation of octenes and dodecenes in claim 7 as claim 1 recites the oligomerization of a l-C₄ fraction, octenes and dodecenes being the dimer and trimer of butanes. Thus, since octenes and dodecenes are clearly the result of oligomerization of a l-C₄ fraction the metes and bounds of claim 7 are clear to those of ordinary skill in the art. Withdrawal of this ground of rejection is respectfully requested.

Claim 8 has been canceled without prejudice to further prosecution in one or more continuation applications.

As to claim 1, which recites the production of an oligomer, explicit in the words “oligomerizing the olefinic hydrocarbon...” is the formation of an oligomer. A schematic representation appears below:




It is clear that an oligomer is a product of the claim as it is the result of processing the l-C₄ fraction. Whether or not products c1-c5 are oligomers is irrelevant to the fact that an oligomer is formed from the l-C₄ fraction in step b). Step c) is related to the processing of the b-C₄ fraction and not a processing of the oligomer formed from the l-C₄ fraction. The b-C₄ fraction is processed independently of the l-C₄ fraction. In view of applicants' arguments, withdrawal of these grounds of rejection is respectfully requested.

Applicants submit that this application is now in condition for allowance and early notification of such action is earnestly solicited.

Respectfully submitted,

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